

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

THOMAS C. MCGEE,)	
)	
Petitioner,)	
)	
vs.)	Case No. 4:11CV2212 SNLJ
)	
JEFF NORMAN,)	
)	
Respondent.)	

MEMORANDUM AND ORDER

This matter is before me on the petition for writ of habeas corpus filed by Petitioner Thomas C. McGee. I referred this matter to United States Magistrate Judge Noelle C. Collins, for a report and recommendation on all dispositive matters pursuant to 28 U.S.C. § 636(b). On December 24, 2014, Judge Noelle C. Collins filed her recommendation that McGee's habeas petition should be dismissed.

No objections to Judge Noelle C. Collins' Report and Recommendation were filed. After careful consideration, I will adopt and sustain the thorough reasoning of Judge Collins and deny McGee's habeas petition for the reasons stated in the Report and Recommendation dated December 24, 2014.

I have also considered whether to issue a certificate of appealability. To grant a certificate of appealability, the Court must find a substantial showing of the denial of a federal constitutional right. *See Tiedeman v. Benson*, 122 F.3d 518, 522 (8th Cir. 1997). A substantial showing is a showing that issues are debatable among reasonable jurists, a Court could resolve the issues differently, or the issues deserve further proceedings. *Cox v. Norris*, 133 F.3d 565, 569 (8th Cir. 1997) (citing *Flieger v. Delo*, 16 F.3d 878, 882-83 (8th Cir. 1994)). Because McGee has

not made such a showing in this case, I will not issue a certificate of appealability.

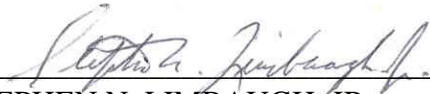
Accordingly,

IT IS HEREBY ORDERED that Judge Noelle C. Collins' Report and Recommendation, #19, filed on December 24, 2014 is adopted and sustained in its entirety.

IT IS FURTHER ORDERED that Petitioner Thomas C. McGee's Petition for Writ of Habeas Corpus, #1, is **DENIED**.

IT IS FURTHER ORDERED that the Court will not issue a certificate of appealability. A separate Judgment in accordance with this Memorandum and Order is entered this same date.

Dated this 12th day of January, 2015.



STEPHEN N. LIMBAUGH, JR.
UNITED STATES DISTRICT JUDGE